

**SMART & BIGGAR***Intellectual Property & Technology Law*

**To Fax no.:** 703 872 9306; and  
571 273 3169

P.O. Box 2999, Station D  
55 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6

**Page 1 of:** 13

**Attention:** EXAMINER ROBERT C. SCHEIBEL

Tel.: (613) 232-2486

**From:** SMART & BIGGAR

Fax: (613) 232-8440

MR. JAMES McGRAW

**Your file no.:** 09/708,046

**Date:** January 27, 2005

**Reply to Ottawa file no.:** 71493-885

**Time:**

**Re:** U.S. Patent Application

Serial No. 09/708,036

Inventor: Mark S. Wight et al

Applicant: Mark S. Wight et al

METHOD OF ADDRESSING PHYSICAL PROBLEMS

OF A TOPOLOGICAL NETWORK USING A TOPOLOGY ENGINE

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**JAN 27 2005**

With reference to telephone instructions received today from Examiner Robert Scheibel, enclosed herewith is a copy of a response to a final action which was filed by Smart & Biggar by fax on January 21, 2005. Also enclosed is a copy of Smart & Biggar's fax cover sheet of January 21, 2005 showing that the 10 pages were confirmed sent together with a copy of the Auto-Reply Facsimile Transmission form received from the U.S. Patent Office on January 21, 2005 advising Smart & Biggar that 10 pages (including the cover page) were received.

Yours very truly

SMART & BIGGAR

James McGraw

JMc/wfs

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## Auto-Reply Facsimile Transmission



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TO USPTO  
P.1

**SMART & BIGGAR**  
*Intellectual Property & Technology Law*

To Fax no.: (703) 572-9306  
Page 1 of: 10  
Attention: MAILSTOP AF  
(Examiner Arthur C. Schmitt -  
Group A1 Unit 2000)  
Mr. James McGraw  
From:  
Your file no.: 09/708,036  
Reply to Ottawa file no.: 71493-883

P.O. Box 2999, Station J1  
15 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6  
Tel.: (613) 232-3486  
Fax: (613) 232-8440  
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Mr. James McGraw (Reg. No. 28,168)  
Signature: [Handwritten Signature]

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PAGE 019 RECEIVED AT 02:05:43 PM Eastern Standard Time 01 JAN 2005 BY USPTO FAX 05-09 DMS272338 \* CSD 313272346 \* DURATION 000-000000

1/10/05  
PRV  
Feb 9/05  
Mend Blw up.  
1/26/05

Conduct

## MESSAGE CONFIRMATION

JAN-21-2005 04:03 PM FRI

FAX NUMBER : 6132328440  
NAME :NAME/NUMBER : 17038729306  
PAGE : 10  
START TIME : JAN-21-2005 04:00PM FRI  
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RESULTS : [ O.K ]

## SMART &amp; BIGGAR

Intellectual Property &amp; Technology Law

To Fax no.: (703) 872-9306

Page 1 of: 10

Attention: MAILSTOP AF  
(Examiner Robert C. Scheibel -  
Group Art Unit 2666)  
From: Mr. James McGrawP.O. Box 2999, Station D  
55 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6Tel.: (613) 232-2486  
Fax: (613) 232-8440

Your file no.: 09/708,036

Date: January 21, 2005

Reply to Ottawa file no.: 71493-885

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55 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6**Page 1 of:** 10**Attention:** MAILSTOP AF  
(Examiner Robert C. Scheibel –  
Group Art Unit 2666)  
**From:** Mr. James McGrawTel.: (613) 232-2486  
Fax: (613) 232-8440**Your file no.:** 09/708,036**Date:** January 21, 2005**Reply to Ottawa file no.:** 71493-885**Time:****Certificate of Transmission**

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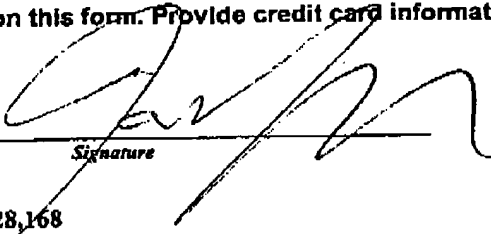
Mr. James McGraw (Reg. No. 28,168)

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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>71493-885/aba</b>	
Applicant(s): <b>MARK S. WIGHT, ET AL</b>						
Application No. <b>09/708,036</b>	Filing Date <b>November 8, 2000</b>	Examiner <b>Robert C. Scheibel</b>	Customer No. <b>07380</b>	Group Art Unit <b>2666</b>	Confirmation No. <b>8046</b>	
Invention: <b>METHOD OF ADDRESSING PHYSICAL PROBLEMS OF A TOPOLOGICAL NETWORK USING A TOPOLOGY ENGINE</b>						
<b>COMMISSIONER FOR PATENTS:</b>						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
<b>TOTAL CLAIMS</b>	<b>17 -</b>	<b>20 =</b>	<b>0</b>	x \$50.00	<b>\$0.00</b>	
<b>INDEP. CLAIMS</b>	<b>3 -</b>	<b>3 =</b>	<b>0</b>	x \$200.00	<b>\$0.00</b>	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					<b>\$0.00</b>	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 19-2550 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card, Form PTO-2038.						
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>						
Signature  <b>James McGraw</b> Registration No. 28,168 <b>CUSTOMER NO. 07380</b>			Dated: <b>January 21, 2005</b>  <div style="border: 1px solid black; padding: 5px;">         I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____          (Date)           _____          Signature of Person Mailing Correspondence           _____          Typed or Printed Name of Person Mailing Correspondence       </div>			
613-232-2486 CC:						

P11LARGE/REV09

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/708,036 Confirmation No. 8046  
Applicant : Mark S. Wight et al  
Filed : November 8, 2000  
TC/A.U. : 2666  
Examiner : Robert C. Scheibel

Docket No. : 71493-885  
Customer No. : 07380

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**JAN 27 2005**

Commissioner for Patents  
Alexandria, VA 22313-1450  
U.S.A.

Dear Sir:

In response to the Office action of December 14, 2004, please amend this application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.